IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 3775 of 1999

Between:

1 Ptichamma, W/o Gali Subbaiah,
R/o Peddabommalapuram Village, Dornala Mandal,
Prakasam Dist.
2 Chitte Narasaiah, S/o Narasaiah,
R/o Peddabommalapuram Village, Dornala Mandal,
Prakasam Dist.

..... PETITIONERS

AND

1 The Commissioner & Director of School Education
A.P., Hyderabad.
2 The Regional Joint Director, School Education, Gunutr.
3 The District Educational Officer, Ongole, Prakasam Dist.
4 The Chief Execuaitve Officer, Zilla Parishad,

Ongole, Prakasam dist.
5 The Mandal Parishad Development Officer, Dornala ,

Prakasam dist.
6 The Chairaman, Educational Committee,

Peddabommalapuram , Dornala mandal, Prakasam dist.
7 Ammireddy Pichireddy, S/o Veraiah,
R/o Peddabommalapuram Village, Dornala Mandal,
Prakasam dist.
8 Ammireddy Balakasi Reddy, S/o chinna Veraiah.
R/o Peddabommalapuram Village, Dornala Mandal,
Prakasam dist.
9 Ammireddy Veera Reddy, S/o chinna Veraiah.
R/o Peddabommalapuram Village, Dornala Mandal,
Prakasam dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or mandamus or any other appropriate writ, order or Direction directing

the respondents to construct the Zilla Parishad High School in the land donated by the petitioners measuring an extent of Ac.2.50 cents situated in Sy.No.185 & 186 as per the proceedings issued by the 4th respondent in Rc.No.D7/890/99 dated 4-2-99 by declaring the action of the respondents in trying to shift the construction of the building to some other place and arbitrary illegal, mala fide and unconstitutional.

Counsel for the Petitioners: MR.T.NIRANJAN REDDY

Counsel for Respondents 1 to 5: G.P. for Panchayat Raj.

Counsel for Respondent No.6: Sri V. Srinivas, S.C. for R6

Counsel for Respondents 7 to 9: MR.P.RAGHAVENDRA REDDY

The Court made the following ORDER:

The petitioners are the residents of Peddabommalapuram village Dornala Mandal, Prakasam District. The petitioners herein donated a land in an extent of Acs.2.50 in S.No.185 and 186 of the said village for construction of Zilla Parishad High School. They assert that the Government is bound to construct school only in the land donated by them. When they approached the Chief Executive Officer, the fourth respondent herein, by communication dated 4-2-1999 he directed the Executive Engineer, Markapuram to mark the land for construction of school building. The petitioners allege that within two weeks after fourth respondent issued the said communication the respondents are contemplating to change the use of site for purposes other than the construction of school building. Therefore, they filed the writ petition seeking a writ of mandamus directing the respondents to construct the school building in the land donated by the petitioners.

This court initially passed interim orders directing the respondents to refrain from shifting the construction of Zilla Parishad high school, from the petitioners land to other land. When the respondents moved an application for vacating the interim order, this court by order dated 26-3-1999 vacated the interim order, which reads as under.

It is not possible for this Court to decide as to where the school building is required to be located and constructed. Mere fact that the petitioners donated some land for construction of school building in the village itself is no ground to compel the respondents to construct the building in the same site donated by the petitioners. Variety of factors have to be taken into consideration to consider as to where the school is required to be located. Merely because the 4th respondent made an endorsement and requested the Executive Engineer to construct the school building in the land donated by the petitioners, is no ground for interference in the matter. The proceedings do not give rise to any cause of action for the petitioners. Courts do not interfere with pure administrative decisions. Construction of

school building in the village is of paramount consideration. Whether the construction is to be made in the land donated by the petitioners or elsewhere is of no consequence. For the aforesaid reasons, I do not find any justification to continue the interim order earlier granted by this Court. The interim order shall accordingly stand vacated.

Counter affidavit is filed on behalf of the respondents 7, 8 and 9, who are subsequently impleaded, stating that the fourth respondent in modification of the orders dated 4-2-1999 issued proceedings No.P4/7454/98 dated 23-2-1999 requesting the Executive Engineer to give marking of land for construction of school building in the land comprising in S.No.316 admeasuring Acs.1.72. The said order was passed after considering the representation of the villagers of Peddabommalapuram village wherein they complained that the land donated by the petitioners is situated at a distance of 2 kms. from the village and that the villagers formed a committee and donated a land in S.No.316. It is also brought out that the land, which is donated by the petitioners is prone to floods and is getting sub-merged every year due to floods of Yennapapireddy Cheruvu and it is not suitable for the purpose of constructing the school building.

The writ petition is wholly misconceived. Notwithstanding vehement submission of the learned counsel for the petitioner, this court is not able to entertain the writ petition. It is well settled that the matters concerning construction of school buildings, Panchayat offices are exclusively in the realm of executive and the disputes raised thereto lack adjudicative disposition and are not justiciable. The writ petition is devoid of merits.

The Writ Petition is accordingly dismissed. No costs.

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V.V.S. RAO, J.

24th August, 2004

Js

To

1 The Commissioner & Director of School Education
A.P., Hyderabad.
2 The Regional Joint Director, School Education, Gunutr.
3 The District Educational Officer, Ongole, Prakasam Dist.
4 The Chief Execuaitve Officer, Zilla Parishad,

Ongole, Prakasam dist.

5 The Mandal Parishad Development Officer, Dornala ,

Prakasam dist.
6 The Chairaman, Educational Committee,

Peddabommalapuram , Dornala mandal, Prakasam dist.
7 2 CCs to G.P. for Panchayat Raj, High court Buildings,

Hyderabad.

8 2 CD copies.